

FILED IN U.S. DISTRICT COURT
SEP 27 2005

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

SEP 27 2005

LUTHER D. THOMAS, Clerk
By: *[Signature]* Deputy ClerkEQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

TWT

Plaintiff,

CIVIL ACTION NO.

v

COMPLAINT

1:05-CV-2504

ATLANTA GASTROENTEROLOGY
ASSOCIATES, LLC,

JURY TRIAL DEMANDED

Defendant.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, and Title I of the Civil Rights Act of 1991 ("Title VII") to correct unlawful employment practices on the bases of retaliation, and to provide appropriate relief to Ms Robin Schmidt-Friends, who was adversely affected by such practices. As expressed in greater detail below, Ms Schmidt-Friends was employed by Atlanta Gastroenterology Associates, LLC as a site manager at Defendant's St Joseph's Hospital location. Over the course of her employment, Ms. Schmidt-Friends complained to Defendant officials about specific conduct engaged in by Defendant officials which she reasonably believed were based on race in violation of Title VII. As a result, Defendant retaliated against Ms.

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Pretrial Instructions
Title VII Notice

[Signature]

Schmidt-Friends by discharging her from employment, despite her past work history and proven performance, because she engaged in protected activity under Title VII

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 and 1345. This action is authorized and instituted pursuant to Section 706(f)(1) and (3) of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e-5(f)(1) and (3) (Title VII), and Section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Northern District of Georgia, Atlanta Division.

PARTIES

3. Plaintiff, the Equal Employment Opportunity Commission (the "Commission"), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII 28 U.S.C. § 2000e-5(f)(1) and (3).

4 At all relevant times, Defendant Atlanta Gastroenterology Associates, LLC (“Defendant”) has continuously been a corporation doing business in the State of Georgia and the City of Atlanta, and has continuously had at least 15 employees.

5 At all relevant times, defendant has continuously been an employer engaged in an industry affecting commerce under Section 701(b), (g) and (h) of Title VII, 42 U S C § 2000e(b). (g) and (h).

STATEMENT OF CLAIMS

6 More than 30 days prior to the institution of this lawsuit, Ms. Schmidt-Friends filed her charge with the Commission alleging violations of Title VII by Defendant. All conditions precedent to the institution of this lawsuit have been fulfilled.

7 Since at least August 2004, Defendant has engaged in an unlawful employment practice at its St. Joseph’s Hospital, Atlanta, Georgia, facility in violation of Section 704(a) of Title VII, 42 U S C § § 2000e-3(a), by discharging Ms. Schmidt-Friends in retaliation for opposing practices made unlawful by Title VII.

8 The effects of the practice complained of in paragraph 7 above has been to deprive Ms. Schmidt-Friends of equal employment opportunities and

otherwise adversely affect her status as an employee because she engaged in protected activity

9. The unlawful employment practice complained of in paragraph 7 above was intentional.

10. The unlawful employment practice complained of in paragraph 7 above was carried out with malice and/or reckless indifference to the federally protected rights of Ms Schmidt-Friends

PRAYER FOR RELIEF

Wherefore, the Commission respectfully requests that this Court.

A. Grant a permanent injunction enjoining Defendant, its officers, successors, assigns and all other persons in active concert or participation with it, from engaging in employment practices which discriminate on the basis of retaliation by subjecting individuals who engage in protected activity protected under Title VII to adverse actions

B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees who engage in activities protected by Title VII, and which eradicate the effects of its past and present unlawful employment practices

C. Order Defendant to make whole Ms. Schmidt-Friends, who was adversely affected by Defendant's discriminatory conduct, by providing appropriate back pay with prejudgement interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to reinstatement of Ms Schmidt-Friends and/or front pay

D. Order Defendant to make whole Ms Schmidt-Friends by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including job search expenses, in amounts to be determined at trial

E Order Defendant to make whole Ms Schmidt Friends by providing compensation for non-pecuniary losses resulting from the unlawful employment practices described above, including emotional pain and suffering, inconvenience, loss of enjoyment of life, anxiety, stress, depression, and humiliation, in amounts to be determined at trial.

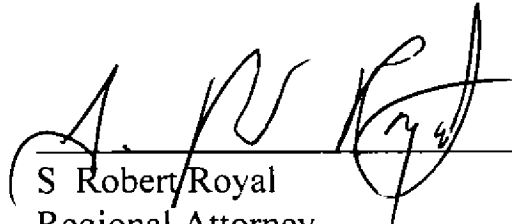
F. Order Defendant to pay to Ms Schmidt-Friends punitive damages for Defendant's malicious and reckless conduct described above, in amounts to be determined at trial

- G. Grant such further relief as the Court deems necessary and proper.
- H. Award the Commission its costs in this action

JURY TRIAL DEMAND

The Commission requests a jury trial on all questions of fact raised by its Complaint.

Respectfully submitted,



S. Robert Royal
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